

Attorney's Docket No.: 50277-1719  
(OID-2000-021-01)

Patent

DECLARATION FOR PATENT APPLICATION

As a below named inventor(s), I hereby declare that:

My residence, mailing address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

"VICTIM SELECTION FOR DEADLOCK DETECTION"

the specification of which

  X   is attached hereto.  
       was filed on \_\_\_\_\_ as  
United States Application Number \_\_\_\_\_,  
or PCT International Application Number \_\_\_\_\_,  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), on any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>      </u> (Number)	<u>      </u> (Country)	<u>      </u> (Day/Month/Year Filed)	<u>  Yes  </u>	<u>  No  </u>
<u>      </u> (Number)	<u>      </u> (Country)	<u>      </u> (Day/Month/Year Filed)	<u>  Yes  </u>	<u>  No  </u>
<u>      </u> (Number)	<u>      </u> (Country)	<u>      </u> (Day/Month/Year Filed)	<u>  Yes  </u>	<u>  No  </u>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

<u>      </u> (Application Number)	<u>      </u> (Filing Date)
<u>      </u> (Application Number)	<u>      </u> (Filing Date)

**EXPRESS MAIL NO.** EL734970048 US

I hereby claim benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached) which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor (given name, family name) ALOK KUMAR SRIVASTAVA

Inventor's Signature Alok K. Srivastava Date 8/2/01

Residence Santa Clara, California Citizenship India  
(City, State) (Country)

Mailing Address 500 Mansion Court, #106, Santa Clara, California 95054

Full Name of Second Inventor (given name, family name) WILSON WAI SHUN CHAN

Inventor's Signature Wilson Chan Date 8/2/01

Residence San Mateo, California Citizenship Canada  
(City, State) (Country)

Mailing Address 129 Woodbridge Circle, San Mateo, California 94403

Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit No.: NYA

ALOK KUMAR SRIVASTAVA, et al.

Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

Filed on:

For: VICTIM SELECTION FOR DEADLOCK DETECTION

**POWER OF ATTORNEY**  
**AND REVOCATION OF PREVIOUS POWERS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Oracle Corporation, a Delaware corporation having a place of business at 500 Oracle Parkway, M/S 50P7, Redwood Shores, California 94065, certifies that to the best of its knowledge and belief it is the assignee or is entitled to ownership of the entire right, title, and interest in and to the above-referenced patent application by virtue of an Assignment filed concurrently herewith and represents that the undersigned is a representative authorized and empowered to sign on behalf of Oracle Corporation, which hereby revokes all powers of attorney previously given and appoints the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Marcel K. Bingham, Reg. No. 42,327; Carl L. Brandt, Reg. No. 44,555; Brian D. Hickman, Reg. No. 35,894; Craig G. Holmes, Reg. No. 44,770; Christopher J. Palermo, Reg. No. 42,056; Carina M. Tan, Reg. No. 45,769; Bobby K. Truong, Reg. No. 37,499, Van Mahamedi, Reg. No. 42,828 and John D. Henkhaus, Reg. No. 42,656, all of

HICKMAN PALERMO TRUONG & BECKER LLP  
1600 Willow Street  
San Jose, California 95125-5106

and

Sanjay Prasad, Reg. No. 36,247; and Roger Kennedy, Reg. No. 44,823, of ORACLE CORPORATION

**EXPRESS MAIL NO.** EL734970048US

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Send all future correspondence to the attention of Brian D. Hickman, Reg. No. 35,894, care of the above address and direct all telephone calls to the same at (408) 414-1080.

Assignee of Interest:

Oracle Corporation

Dated: 08/02/01

By: Michael A. Gelblum

Name: Michael A. Gelblum

Title: Senior Patent Counsel

Address of Assignee of Interest:

Oracle Corporation

500 Oracle Parkway - M/S 50P7

Redwood Shores, CA 94065